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6 **UNITED STATES OF AMERICA**
7 **BEFORE THE NATIONAL LABOR RELATIONS BOARD**

8 UNITED NATURAL FOODS, INC., d/b/a
9 UNITED NATURAL FOODS, INC.
and SUPERVALU, INC.

Case No. 19-CA-249264

10 and

11 INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 117

Case No. 19-CB-250856

13 INTERNATIONAL BROTHERHOOD
14 OF TEAMSTERS, LOCAL 117 and
LOCAL 313

**DECLARATION OF DANIELLE
FRANCO-MALONE IN SUPPORT OF
UNIONS' OPPOSITION TO UNFI'S
REQUEST FOR SPECIAL
PERMISSION TO APPEAL**

15 and

16 UNITED NATURAL FOODS, INC., d/b/a
17 UNITED NATURAL FOODS, INC.
and SUPERVALU, INC.

18 .
19 I, Danielle Franco-Malone, hereby declare as follows:

- 20 1. I am one of the attorneys for Teamsters Locals 117 and 313 (Unions) in this matter.
- 21 2. On January 28, 2021, I emailed counsel in this matter to inform the parties that the
- 22 Unions intended to request an extension of the hearing in this matter of at least 30 days,
- 23 with a proposed hearing date of April 15, 2021, and to inquire as to whether the other
- 24 parties would oppose such a request.

1 3. On January 28, 2021 Amanda Laufer, Counsel for the General Counsel, emailed to
2 indicate that Counsel for the General Counsel would not join the request but would not
3 oppose it.

4 4. On January 29, 2021, Phil Miscimarra, counsel for UNFI, indicated that UNFI would
5 oppose the request for an extension.

6 5. Attached as Exhibit A is true and correct copy of the January 28-29, 2021 email exchange
7 described above.

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing statements are true and correct.

10 RESPECTFULLY SUBMITTED this 16th day of March, 2021.

11 

12 Danielle Franco-Malone

DECLARATION OF SERVICE

I, Esmeralda Valenzuela, declare under penalty of perjury under the laws of the State of Washington, that on the date set forth below I caused the foregoing DECLARATION OF DANIELLE FRANCO-MALONE to be filed with the Office of Executive Secretary/Board via electronic filing.

On this same date, I caused a true and correct copy of the same to be served via electronic mail to:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
Ronald K. Hooks, Regional Director National Labor Relations Board Region 19 915 2nd Avenue, Room 2948 Seattle, WA 98174-1078 ronald.hooks@nrlrb.gov	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Service
Philip A. Miscimarra, Lauren M. Emery Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW, Washington, DC 20004 philip.miscimarra@morganlewis.com lauren.emery@morganlewis.com	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Service
Amanda Laufer Yaneth Palencia Counsel for the General Counsel National Labor Relations Board, Region 31 11500 West Olympic Blvd, Ste. 600 Los Angeles, CA 90064-1753 Amanda.Laufer@nrlrb.gov Yaneth.Palencia@nrlrb.gov	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Service
Carolyn McConnell Counsel for the General Counsel National Labor Relations Board, Region 19 915 Second Avenue, Room 2948 Seattle, WA 98174 Carolyn.McConnell@nrlrb.gov	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Service

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
Jonathan Levine Adam Tuzzo Littler Mendelson, P.C. 111 East Kilbourn Avenue, Suite 1000, Milwaukee, WI 53202 JLevine@littler.com atuzzo@littler.com	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-Service

DATED this 16th day of March, 2021 at Seattle, Washington.

By: 
Esmeralda Valenzuela, Paralegal

EXHIBIT A

January 28-29, 2021 email exchange between the parties

Date : 1/29/2021 11:43:59 AM

From : "Miscimarra, Philip A." philip.miscimarra@morganlewis.com

To : "Danielle Franco-Malone" franco@workerlaw.com, "Laufer, Amanda W." Amanda.Laufer@nrlrb.gov, "atuzzo@littler.com" atuzzo@littler.com, "jlevine@littler.com" jlevine@littler.com, "Emery, Lauren M." lauren.emery@morganlewis.com, "Benjamin Berger" berger@workerlaw.com, "tracey.thompson@teamsters117.org" tracey.thompson@teamsters117.org, "fallon.schumsky@teamsters117.org" fallon.schumsky@teamsters117.org, "Esmeralda Valenzuela" valenzuela@workerlaw.com, "Palencia, Yaneth" Yaneth.Palencia@nrlrb.gov

Subject : Follow Up re 19-CA-249264 and 19-CB-250856 (UNFI/SUPERVALU and Teamsters Local 117 and Local 313)

Attachment : image001.png;

Dear Danielle and other counsel:

In follow-up to our earlier exchanges, UNFI will oppose the actions described in Danielle's email sent on January 28, 2021 (reproduced below) and UNFI reserves all other rights regarding the pending matters.

Also, thanks for correcting the errant email addresses previously used in some of the prior exchanges for my colleague, Lauren Emery, and me.

All the best,

Phil

Philip A. Miscimarra
Partner
Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW, Washington, DC 20004
Mobile: +1.773.255.7112 | Direct: +1.202.739.5565 | Main: +1.202.739.3000 | Fax: +1.202.739.3001
Assistant: April May Hackelton | +1.202.739.5218 | aprilmay.hackelton@morganlewis.com

77 West Wacker Drive, Fifth Floor | Chicago, IL 60601
Mobile: +1.773.255.7112 | Direct: +1.312.324.1165 | Main: +1.312.324.1000 | Fax: +1.312.324.1001
Assistant: Karen D. Jackson | +1.312.324.1141 | karen.jackson@morganlewis.com

philip.miscimarra@morganlewis.com | www.morganlewis.com

COVID-19 Resources and

Updates HK

From: Danielle Franco-Malone <franco@workerlaw.com>

Sent: Friday, January 29, 2021 11:11 AM

To: Laufer, Amanda W. <Amanda.Laufer@nrlrb.gov>; atuzzo@littler.com; jlevine@littler.com; Miscimarra, Philip A. <philip.miscimarra@morganlewis.com>; Emery, Lauren M. <lauren.emery@morganlewis.com>

Cc: Benjamin Berger <berger@workerlaw.com>; tracey.thompson@teamsters117.org; fallon.schumsky@teamsters117.org; Esmeralda Valenzuela <valenzuela@workerlaw.com>; Palencia, Yaneth <Yaneth.Palencia@nrlrb.gov>

Subject: RE: Request for postponement in Case Nos. NLRB 19-CA-249264 and 19-CB-250856 (UNFI/SUPERVALU and Teamsters Local 117 and Local 313)

[EXTERNAL EMAIL]

Good morning all,

I apologize – the email I sent yesterday copied the parties' emails from a thread initiated earlier in the week which I failed to notice contained errors in the email addresses. By this email, I am looping Philip and Lauren in with their correct emails.

Thanks,

Danielle

DANIELLE FRANCO-MALONE | she/her | Partner | Barnard Iglitzin & Lavitt LLP

DIR: 206.257.6011 | **FAX:** 206.257.6047

18 West Mercer Street, Suite 400, Seattle, WA 98119

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From: Laufer, Amanda W. [<mailto:Amanda.Laufer@nlrb.gov>]

Sent: Thursday, January 28, 2021 2:55 PM

To: Danielle Franco-Malone; atuzzo@littler.com; jlevine@littler.com; philip.miscimarra@morganlewis.com; Lauren Emery

Cc: Benjamin Berger; tracey.thompson@teamsters117.org; fallon.schumsky@teamsters117.org; Esmeralda Valenzuela; Palencia, Yaneth

Subject: RE: Request for postponement in Case Nos. NLRB 19-CA-249264 and 19-CB-250856 (UNFI/SUPERVALU and Teamsters Local 117 and Local 313)

I am resending Counsel for the General Counsel's position because I got a bounce back e-mail.

Thank you,

Amanda W. Laufer

Field Attorney | National Labor Relations Board, Region 31

11500 West Olympic Blvd, Ste. 600 | Los Angeles, CA 90064-1753

Ph: (310) 307-7337 | Fax: (310) 235-7420 | Amanda.Laufer@nlrb.gov

From: Laufer, Amanda W. <Amanda.Laufer@nlrb.gov>

Sent: Thursday, January 28, 2021 2:46 PM

To: Danielle Franco-Malone <franco@workerlaw.com>; atuzzo@littler.com; jlevine@littler.com; phillip.miscimarra@morganlewis.com; lauren.emery@morganlews.com

Cc: Benjamin Berger <berger@workerlaw.com>; Palencia, Yaneth <Yaneth.Palencia@nlrb.gov>; tracey.thompson@teamsters117.org; fallon.schumsky@teamsters117.org; valenzuela@workerlaw.com

Subject: RE: Request for postponement in Case Nos. NLRB 19-CA-249264 and 19-CB-250856

(UNFI/SUPERVALU and Teamsters Local 117 and Local 313)

Good afternoon all,

Counsel for the General Counsel will not join in the request, but we will not oppose it.

Thank you,

Amanda W. Laufer
Field Attorney | National Labor Relations Board, Region 31
11500 West Olympic Blvd, Ste. 600 | Los Angeles, CA 90064-1753
Ph: (310) 307-7337 | Fax: (310) 235-7420 | Amanda.Laufer@nlrb.gov

From: Danielle Franco-Malone <franco@workerlaw.com>
Sent: Thursday, January 28, 2021 10:49 AM
To: atuzzo@littler.com; jlevine@littler.com; phillip.miscimarra@morganlewis.com; lauren.emery@morganlews.com
Cc: Laufer, Amanda W. <Amanda.Laufer@nlrb.gov>; Benjamin Berger <berger@workerlaw.com>; Palencia, Yaneth <Yaneth.Palencia@nlrb.gov>; tracey.thompson@teamsters117.org; fallon.schumsky@teamsters117.org; valenzuela@workerlaw.com
Subject: Request for postponement in Case Nos. NLRB 19-CA-249264 and 19-CB-250856 (UNFI/SUPERVALU and Teamsters Local 117 and Local 313)

Good morning,

I am writing to inquire as to whether UNFI and Counsel for the General Counsel would agree to extend our March 2 hearing date in the above-referenced matter. Teamsters Local 117 intends to request that the General Counsel reconsider issuance of a complaint in Case Number 19-CB-250856. We believe that extending the hearing date is necessary in order to allow for such a review to occur and also for the parties to avoid incurring unnecessary time and expense in preparing for hearing while allowing the General Counsel time to review the case. We intend to request an extension of at least 30 days, and to suggest a new hearing date of April 15. Please let us know by 12pm PST tomorrow whether you will oppose a request for an extension.

Thank you,

Danielle



**BARNARD
IGLITZIN &
LAVITT LLP**

DANIELLE FRANCO-MALONE | she/her | *Partner*
DIR: 206.257.6011 | **FAX:** 206.257.6047
18 West Mercer Street, Suite 400, Seattle, WA 98119

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